IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 23RD OCTOBER, 2007 / 1ST KARTHIKA, 1929

WP(Crl.).No. 236 of 2007(S)

PETITIONER:

DILEEP KUMAR A.K., S/O. LATE KUMARAN,
AGED 32 YEARS, AUGUSTHIPARAMBU HOUSE,
KADUNGALLOOR WEST, ALUVA-10.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:
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1. THE DIRECTOR GENERAL OF POLICE,
STATE OF KERALA, THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE,
ALUVA RURAL POLICE SUPERINTENDENT'S OFFICE,
ALUVA.

3. THE SREENARAYANA SEVIKA SAMAJAM,
SREE NARAYANA GIRI, THOTTUMUGHOM, ALUVA-683 105,
REPRESENTED BY ITS SECRETARY.

4. MAHILA MANDIRAM,
POONITHURA P.O., CHAMBAKKARA, REPRESENTED BY
ITS SUPERINTENDENT.

BY ADV. SRI.M.S.UNNIKRISHNAN
SRI.M.R.ANISON
R1 & R2 BY GOVT. PLEADER SRI.THOMAS JOHN AMBOOKAN.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

(WP(Crl.) No.236 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the news item published in Mangalam Daily dtd.23.8.2007.

Ext.P2: Copy of the letter written by the detenue Sharada @ Usha.

RESPONDENTS' EXHIBITS:

Annex.R3(a): Copy of the communication dtd.25.8.2007.

Annex.R3(b): Copy of the endorsement made by the City Probation Officer, Ernakulam taking the custody of Sharad @ Usha.

-True Copy-

P.A.to Judge.

P.R.RAMAN & V.K.MOHANAN, JJ.

W.P (Crl).No. 236 of 2007- S

Dated this the 23rd day of October, 2007

J U D G M E N T

Raman,J:

The petitioner is the uncle of one Smt.Sharada @ Usha, who is alleged to be under the illegal custody of the fourth respondent and her children are stated to be under illegal custody of the third respondent. It is averred that due to poverty, the said Sharada and her children are stated to have taken shelter in an institution at Binanipuram within the jurisdiction of the second respondent. While continuing in the said institution, it appears that for want of proper licence, that institution was closed. The inmates of the institution were therefore to be accommodated in some recognised hostel/institution. Pursuant to notice issued, respondent Nos.3 and 4 appeared before this court. The third respondent is represented by counsel.

2. A counter affidavit is filed. It is averred that the children of Smt.Sharada were admitted in the third respondent-institution as per orders of the Juvenile Court

evidenced by Ext.R3(a). Ext.R3(b) shows that though the mother was also admitted originally in the third respondent-institution, since as per the rules of the third respondent-institution, the mother and children cannot stay together, as per the orders passed by the District Probation Officer, the mother was shifted to the Mahila Mandiram at Chambakkara. The Superintendent of the fourth respondent appeared before us in person and stated that the mother Smt.Sharada is admitted in the fourth respondent-institution as per the orders passed by the District Probation Officer. Smt.Sharada the alleged detenu also appeared before us and we interacted with her. She states that she is not in illegal custody of anybody, but she would like to go along with her relations. It is stated by the Superintendent of the fourth respondent that they have no objection in sending Smt.Sharada along with her relations in accordance with law. The above statement is recorded. So long as Smt.Sharada and her children are not found to be under

illegal custody, nothing survives in this writ petition and the same is closed.

P.R.RAMAN,
Judge

V.K.MOHANAN,
Judge

Mbs/

S.SIRI JAGAN, J.

O.P.NO. OF 2001

J U D G M E N T

DATED: -0-2007